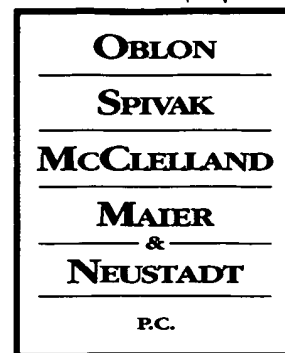




Docket No.: 246923US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 10/743,129
Applicants: Katsuhiko HAYASHI
Filing Date: December 23, 2003
For: MAGNETORESISTIVE EFFECT ELEMENT AND
MEMORY DEVICE USING THE SAME
Group Art Unit: 2824
Examiner: NGUYEN, D.

SIR:


Attached hereto for filing are the following papers:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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DOCKET NO: 246923US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KATSUHIKO HAYASHI : EXAMINER: NGUYEN, DANG T.
SERIAL NO: 10/743,129 : DATE ALLOWED: MAY 4, 2005
FILED: DECEMBER 23, 2003 : GROUP ART UNIT: 2824
FOR: MAGNETORESISTIVE EFFECT :
ELEMENT AND MEMORY DEVICE
USING THE SAME

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant acknowledges with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reason for Allowance in the Notice of Allowance of May 4, 2005, Applicant respectfully submits the following comments.

In the present case, the Examiner's Statement of Reason for Allowance mischaracterizes the invention by placing an unwarranted interpretation of the claims on record. Specifically, the Examiner erroneously states the following on page 3 of the Notice of Allowability: "the current also penetrate perpendicular to the laminate layer." This limitation does not appear in any of independent Claims 1, 2, and 23 as stated by the Examiner. Thus, it is respectfully submitted that none of the independent (or dependent) claims should be construed based on the inaccurate description in the Examiner's Reasons.

Application No. 10/743,129
Reply to Notice of Allowance of: May 4, 2005

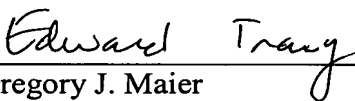
Consequently, Applicant respectfully submits that the inaccuracy in the Examiner's Reasons for Allowance may create a cloud on the validity of the patent. Applicant therefore respectfully requests the Examiner issue a corrected Notice of Allowance.

Respectfully submitted,

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